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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,527	02/28/2002	Gebhard Dopfer	99P03591US	9801

7590 03/21/2005

SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPT.  
186 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

19

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

10/085,527

Applicant(s)

DOPPER, GEBHARD

Examiner

Katherine A. Bareford

Art Unit

1762

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on \_\_\_\_\_ is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).  
*See attached pages*
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)). *See attached pages*
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)) *see attached pages*
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):  
  
\_\_\_\_\_

*RL*

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*Notification of Non-Compliant Appeal Brief*

Continuation of Box 2:

In the Status of Claims section, appellant only identifies the rejected claims, and does not identify the canceled claims.

Continuation of Box 4:

In the Summary of Claimed Subject Matter section, appellant does not set forth the structure material or acts described in the specification as corresponding to each claimed function – for example, the “measuring a contour line geometry of the curved surface” and “inputting the measured geometry into a control system” (claim 1) and “measuring a contour line geometry” and “converting the measured geometry into input data” (claim 18) are not provided for in the Summary.

Continuation of Box 5:

The Final Rejection also contained a 35 USC 112, first paragraph rejection of claims 1-10 and 12-13 (see paragraph 7 of the Final Rejection). Appellant’s Appeal Brief does not address this rejection. As discussed in MPEP 1206, an Appeal Brief must be responsive to every ground of Rejection stated by the Examiner.

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (571) 272-1413. The examiner can normally be reached on M-F(6:00-3:30) with the First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Other inquiries can be directed to the Tech Center 1700 telephone number at (571) 272-1700.

Furthermore, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**KATHERINE BAREFORD**  
**PRIMARY EXAMINER**